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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :
RegMOPromo Holdings, Inc. :
Pub Crawl at Multiple Licensed:
Premises :
Fact Finding Hearing :
Wednesday, March 9, 2016 :

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Wednesday, March 9, 2016

Whereupon, the above referenced matter
came on for hearing at the Alcoholic Beverage
Control Board, Reeves Center, 2000 14th Street,
N.W., Suite 400 S, Washington, D.C. 20009.

1 CHAIRPERSON: DONOVAN ANDERSON, Presiding

2

3 MEMBERS OF THE BOARD

4 NICK ALBERTI, BOARD MEMBER

5 RUTHANNE MILLER, BOARD MEMBER

6 JAMES SHORT, BOARD MEMBER

7 MIKE SILVERSTEIN, BOARD MEMBER

8

9 OTHER PERSONS PRESENT

10 KEVIN PUENTE, Investigator

11 Monica Fisher

12 Reginald Eliacin

13

1 P R O C E E D I N G S

2 CHAIRPERSON ANDERSON: We're going to
3 move on to the calendar and I have not forgotten
4 so we'll -- the agency was informed that our
5 previous case that the parties are on the way,
6 and were delayed. All right, so let's move one.

7 We have our first case, a fact finding
8 hearing which is a pub crawl application, Monica
9 Fisher and Reginald Eliacin to have an event
10 April 16, 2016. Will the parties please
11 approach? All right can you please identify
12 yourselves for the record, please?

13 MR. ELIACIN: Reginal Eliacin one of the
14 partners of RegMoPromo.

15 MS. FISHER: Monica Fisher, also a
16 partner of RegMoPromo.

17 MR. PUENTE: Kevin Puente, investigator.

18 CHAIRPERSON ANDERSON: All right. The
19 board has seen your pub crawl application. Are
20 you aware of the emergency rules, the pub crawl
21 rules, that were published recently?

22 MS. FISHER: Yes.

1 CHAIRPERSON ANDERSON: And, do you have a
2 supplement to your application, because the
3 application that the board has is very -- it does
4 not -- it's -- we have a three page application,
5 and so do you have a supplement today or is what
6 we have in our record is the extent of your
7 application?

8 MS. FISHER: We have an overview and
9 operational plan if you would like to see it, but
10 we haven't filled out a different application.

11 MR. ELIACIN: We only filled out the
12 application that they provided to us, that's it.

13 CHAIRPERSON ANDERSON: No, but I guess
14 the question I'm asking is if you've seen -- you
15 are aware that the new pub crawl regulations
16 require a security plan, a little plan, and
17 that's not in the application. I just want to
18 refer you to the emergency pub crawl rule is
19 Section 712.5, requires that all this information
20 be provided to the board 45 days prior to your
21 event and since your pub crawl is scheduled for
22 April 16th, we have not received the information

1 and so since you've not received the information,
2 the board is more inclined to dismiss your
3 application pursuant to 500.1 of Chapter 13
4 because you have not complied with the
5 regulations.

6 MR. ELIACIN: We were actually advised
7 that certain questions we would be able to
8 present that at the fact finding because we -- we
9 actually did inquire about the new litter policy
10 and they were saying that, you know, there was
11 going to be the hearing last week and that went
12 on to be further details about it. So, we
13 basically, I want to know if we could use -- they
14 just provided me with the list of certain
15 companies that we could call with the DPW, but we
16 just wanted to get a little bit more
17 clarification on what we needed to present as far
18 as the litter. I mean, we have a litter plan but
19 we just don't have the contract signed, but I
20 think it states that the actual time of two weeks
21 before the --

22 CHAIRPERSON ANDERSON: I don't -- I don't

1 -- I don't think that -- we're asking for the
2 litter plan. That's one of the reasons I asked
3 you -- I asked you for your, the litter plan, the
4 security plan pursuant to the regulations 712.5
5 were supposed to provide 45 days prior to -- I
6 think you're 38 days -- I think if I count
7 correctly you're 38 days to the event and it's
8 today -- it's not -- so you have not provided us
9 that information 45 days prior to --

10 MS. FISHER: So, in January when the new
11 rules came out we came in to ABRA, we'd been in
12 to this office like three or four times to
13 discuss and we talked with one of the officers
14 and they just said "well you'll be coming to your
15 fact finding" and we're like, but "can we push
16 this up because we're getting near the date," and
17 they were like, "this is your time and this is
18 when you come and talk about it." And I was
19 like, "but how do I make sure I get it before 45
20 days?" and they were like, "you need to come to
21 your fact finding."

22 And that is the information that they

1 kept saying, that's why we didn't before with
2 more. Because we had very little information

3 MS. FISHER: That's January.

4 MR. ELIACIN: That's January.

5 MS. FISHER: There was no one to tell it
6 to.

7 MR. ELIACIN: Basically what we did as
8 far as the application is all we had to do until
9 we had the fact finding hearing. I mean we've
10 had this information here since, you know, since
11 January.

12 MS. FISHER: January when it first came
13 out and this application we filled out, it's
14 stamped and dated January 29th. Nobody has told
15 us "hey, you guys need to come in and fill out a
16 different application" or "You guys need to do
17 this" and we'd come in and check on it, and just
18 wait for your fact finding.

19 CHAIRPERSON ANDERSON: But that's not the
20 question I asked you though. Remember the efirst
21 question I asked you, were you aware, are you
22 aware of the new pub crawl regulations and the

1 regulations, specifically sections 712.5 --
2 states no later than the 45 days prior to the
3 scheduled date of the pub crawl event the
4 applicant must provide the MPD department and the
5 board with a pub crawl event form which shall
6 include at a minimum, the following information:
7 The names of all of the establishments, the area,
8 the number, the actual hours of the event, the
9 operational plan and security plan, the litter --
10 It's called Bar Plan for Litter prevention,
11 control and removal, the location. That's one of
12 the reasons why your application doesn't have
13 that and that's one of the main reasons why I
14 asked you do you have information? Now, if you
15 have the information but -- you have this
16 information now?

17 MS. FISHER: Yeah.

18 MR. ELIACIN: We wanted to -- we were
19 actually saying that we could give it to all the
20 members of the board.

21 CHAIRPERSON ANDERSON: All right, can --

22 MR. ALBERTI: Can I ask them another

1 question?

2 CHAIRPERSON ANDERSON: Sure.

3 MR. ALBERTI: Were you aware of the
4 supplement to the rule making? It's not part of
5 the rule making but it was our guidelines on Pub
6 Crawl Litter Plans?

7 MR. ELIACIN: The supplement?

8 MR. ALBERTI: It's called Bar Crawl
9 Litter Plan.

10 MS. FISHER: Yes.

11 MR. ALBERTI: Were you aware of
12 that?

13 MR. ELIACIN: Yeah.

14 MS. FISHER: We knew it, yeah -- maybe
15 not --

16 MR. ELIACIN: Some of the details we
17 were

18 MS. FISHER: Confused on hence why we
19 would come into ABRA to try to get more
20 information and figure out what we were -- what
21 more we need to do to be in compliance so we
22 could have all that.

1 CHAIRPERSON ANDERSON: Tell us about, I
2 mean the regulations said that you're supposed to
3 have a litter plan. What is your -- what is your
4 plan -- what is the plan that you have in place
5 to comply with the regulation?

6 MR. ELIACIN: The plan that we have -- I
7 mean usually when we've done this, and we've been
8 doing this since 2010, we have always just
9 cleaned up as we went on the clubs. We always
10 attend every part of it and we make sure when we
11 leave one bar, because it's all allotted time,
12 it's all time slots -- so say when we leave one
13 bar we make sure, the staff or whatever, make
14 sure that everything is clean.

15 So, we've never as far as a litter plan,
16 like the only -- the only thing I feel that's
17 different now is that I feel like are we supposed
18 to have to call a company now to -- in addition -
19 - and another part of it is like, I mean we could
20 just go ahead and clean up after -- you know --
21 after the fact.

22 MS. FISHER: We always just cleaned up

1 as we went.

2 MR. ELIACIN: We do it as we go and we
3 can take, and what I figured it like with the new
4 regulations is maybe take a picture before and
5 after and submit it to somebody or if there's any
6 way that we can be in compliance we have no
7 problem.

8 MS. FISHER: Or we can just hire a
9 company if that's what the board would like.

10 MR. ELIACIN: Yeah.

11 CHAIRPERSON ANDERSON: I think that what
12 --

13 MR. ALBERTI: That's up to them.

14 CHAIRPERSON ANDERSON: It's up to you to
15 do that, but I think the issue is that you have
16 to tell us so you were supposed to provide this
17 information to us to say "this is our plan" but
18 based on the new regulation, that you said you
19 are aware of, you need to come to us and say
20 "Okay, fine, this is the area that we're going to
21 cover and this is how we plan, this is our litter
22 plan, to cover, to clean up the area, and this is

1 what, this is everything that will be cleaned."

2 I think that --

3 MR. ELIACIN: That's what we -- I mean, I
4 feel like that's what we did and even when we
5 went to, when we came to ABRA we explained this
6 to them, they advised us that at the fact finding
7 hearing that we could ask the questions and find
8 out exactly what we need to do since this is new
9 -- and it was pretty new to them too, and
10 everybody didn't know exactly what to give
11 because was asked them, "do you have a list?" Is
12 there some way to --

13 MS. FISHER: We filled out the
14 application, we knew the rules changed, we said,
15 "do we need to fill out something else?" They
16 were like, "just go to fact finding," like that
17 was just the part we were advised numerous times
18 even though we were trying to make sure we were
19 45 days ahead and now we're getting to crunch
20 time and we're just caught between a rock and a
21 hard place for us, personally.

22 CHAIRPERSON ANDERSON: But the thing that

1 troubles me, and I'm going to have to have a
2 board member, the thing that troubles me is that
3 the board had a fact finding hearing last week --

4 MS. FISHER: On Wednesday.

5 CHAIRPERSON ANDERSON: And a
6 representative of the company was here and went
7 through extensive detail regarding this litter
8 plan and what was needed, so that was one of the
9 reasons I asked. But even if the board had said
10 to you, or ABRA had not given you correct
11 information, and I'm not saying that they didn't,
12 but assuming that you stated that you were given
13 incorrect information you were here a week ago
14 and you heard what it is that the board was
15 requesting and so, therefore, at least you had a
16 week to come back to the board and then to say,
17 okay fine, at least from my view anyway, I'm
18 giving you my personal opinion, is that we spoke
19 to ABRA, the investigators told us X, Y, Z, but
20 when we came to the hearing last week we were
21 told that we have had, we need a litter plan,
22 well what I've done is that I've contacted John

1 Doe Company, they've given me a proposal, because
2 of the shortness of time I don't have it, but
3 this, I contacted these companies and I'm
4 negotiating and I would say, "okay, fine, you
5 said you didn't know before, you heard last week,
6 and so that's one of the reasons why I had asked
7 you do you have a supplement to provide to us?
8 Because I would have accepted that. But anyway.
9 That's just my personal view. I have Mr.
10 Alberti.

11 MR. ALBERTI: So, in that vein I'm going
12 to continue, because we can't tell you who needs
13 to do the cleanup, all right? But you have to
14 tell us what you don't have here is you're not
15 telling us who. You haven't told us that you
16 have a tentative contract with some company, you
17 haven't said, I mean you could say "we have 20
18 volunteers and here's how we're going to instruct
19 them" all right? That might be sufficient. But
20 you've got, you have to lay it out in detail.
21 The plan doesn't -- the plan to me doesn't mean
22 "well I plan to do it" a plan to me is how are

1 you going to do it in some detail. And you don't
2 have that.

3 The other thing here, and it's very, and
4 hopefully it's clear in the litter plan, here, in
5 paragraph one, well one of the sections, at a
6 minimum it says "we need information concerning
7 the general area to be cleaned" and then we go on
8 to say that we want both sides of the street,
9 every block where the establishments, those are
10 our guidelines. You don't tell me that.

11 You provide no specifics here as to where
12 you're going to clean up all right? What
13 streets. And, in fact, we even suggested you
14 provide a map of where you're going to clean. So
15 what I'm -- I'm not seeing any -- I'm not seeing
16 a sufficient level of planning and I'm not even
17 seeing a beginning of a sufficient plan from
18 y'all. And that's what's troubling today.

19 I think in the future you really do need
20 to read this more closely. I mean, we'd like a
21 map to see who you're going to, who's going to do
22 the cleaning, what the company -- if you're going

1 to employ a company what they're actually going
2 do for you and you can take, there's a lot of
3 information in this document here. You can -- or
4 if you're going to do it yourself you can tell us
5 how it's going to get done and how many people
6 you're going to have doing it and what they're
7 going to clean up.

8 One of the contracts we've seen from a
9 company said specifically exactly what they
10 consider trash, and they listed the items, and
11 these are what we're going to clean up, so
12 there's a level of detail. It said, "these are
13 the streets and these are the blocks that we're
14 going to clean up" and that's the level of detail
15 that we're looking for. I don't even see the
16 beginnings of that here and so I'm just troubled.

17 MR. ELIACIN: We apologize for not
18 knowing exactly how detailed they needed to be.
19 We wanted to provide as much as possible, and I
20 do, like I just recently received the e-mail with
21 actually yesterday with some different companies
22 that we could actually call, which I had been

1 requesting for -- like, since January, as far as
2 to figure where to go. I e-mailed one company, a
3 hauling company, that said something. I just did
4 realize that I was supposed to provide all of
5 that, I thought we were coming over here in order
6 to, because I've never done a fact finding
7 before, I thought we'd ask, we'd come over here
8 and ask the board certain questions and then go
9 from there, we didn't realize certain things, I
10 tried to prepare as much, I mean, and get as
11 many, as much information as I could. I didn't
12 realize, even from being here last week exactly
13 what was finalized.

14 CHAIRPERSON ANDERSON: But the only
15 problem that you're having, everything you've
16 said could be correct, but the problem that you
17 run up against is 45 days. So, if we were
18 discussing this 60 days before your event we
19 could -- we'll have this conversation and you can
20 come back and just say "okay, this is what we --
21 because you have -- you're providing us this
22 information within 45 days and we can have this

1 back and forth, which is fine, but as I said
2 before the problem that you run against is that
3 you have a 45 day timeline and your event is, I
4 think, about 30 days.

5 MS. FISHER: Yes.

6 MR. ELIACIN: We were actually saying the
7 60 days.

8 CHAIRPERSON ANDERSON: It's like less
9 than -- it's less than 45 days, so you are
10 correct about a fact finding hearing, that we can
11 go -- have back and forth but you have to have
12 this hearing, put in your application. It says
13 within 45 days, but you can put in your -- if you
14 want to have an event in December, you can put in
15 your application now.

16 MS. FISHER: Yeah.

17 CHAIRPERSON ANDERSON: And, so we have a
18 fact finding hearing and we have all this back
19 and forth, and there's not an issue because if
20 you don't have it right now then the board can
21 say well you still have time, so you need to go
22 back, get a litter plan, get a security plan, and

1 you're not running against a timeline, but the
2 problem that you're running against is a timeline
3 no matter what instruction we give you today, and
4 that's one of the reasons I have said, if you --
5 as I said before, if you heard the information
6 last week, and if you come to me today and said
7 "okay" you give us a list to say "I've contacted
8 these companies, I was not aware, but this is
9 what I've done," I mean, I don't know what other
10 board members would do but I would say, "you know
11 what, it's a new regulation, you're trying to
12 comply, but you're -- you're nowhere closer --
13 you're smack against the timeline. Mr. Short?

14 MR SHORT: Your name again, sir?

15 MR. ELIACIN: I'm Reginald Eliacin.

16 MR. SHORT : Mr. Lice?

17 MR. ELIACIN: Eliacin.

18 MR. ALBERTI: Eliacin. I remember you
19 testifying when you were here and you sat through
20 the whole hearing, correct?

21 MR. ELIACIN: Yes, I did.

22 MR. ALBERTI: You heard us talk about the

1 litter plan --

2 MR. ELIACIN: I did. I definitely heard
3 it.

4 MR. ALBERTI: So you were aware that the
5 litter plan required different -- when was the
6 last pub crawl you were in?

7 MR. ELIACIN: We did it in January.

8 MR. ALBERTI: You did one in January?

9 MR. ELIACIN: Yes.

10 MS. FISHER: Right before --

11 MR. ELIACIN: Martin Luther King Day, a
12 weekend.

13 MS. FISHER: It changed.

14 MR. ALBERTI: Okay, so things have
15 changed since then, correct? And you heard that
16 because your testimony, as I remember, you said
17 you used different clubs at different times. You
18 don't use the same clubs all of the time, is
19 that correct?

20 MR. ELIACIN: That's correct.

21 MR. ALBERTI: I remember your testimony
22 and I remember you giving us details on how you

1 thought they should be done with the litter plan,
2 you testified to that. But that's not in the
3 information you submitted today.

4 MR. ELIACIN: I just wasn't sure exactly
5 what was finalized and how exactly, where we were
6 supposed to go with it. I had -- I thought that
7 at this fact finding hearing is a point where I'd
8 be able -- we'd be able to discuss this and then
9 I could just go ahead, and we'll call a company
10 and set it up if need be, if we need to have, if
11 we have to have a company or if we can just use
12 our own staff and we can have a contract or
13 something as far as that -- I just thought that -
14 -

15 MS. FISHER: He had some questions so he
16 didn't finalize it.

17 MR. ELIACIN: -- and ABRA could not
18 answer them.

19 MR. ALBERTI: My last question: Did you
20 read all of the information that was available to
21 you about the new regulations? Did you actually
22 read all of those new requirements? Did you read

1 them?

2 MR. ELIACIN: I have been reading them,
3 yes.

4 MR. ALBERTI: You did read them.

5 MR. ELIACIN: Yes, I did.

6 MR. ALBERTI: Did you understand them?

7 MR. ELIACIN: I thought I did.

8 MS. FISHER: Apparently not.

9 MR. ALBERTI: Okay. That's all I have
10 Mr. Chair.

11 CHAIRPERSON ANDERSON: Any other
12 questions?

13 MS. MILLER: I have a few questions.

14 CHAIRPERSON ANDERSON: Yes, Ms. Miller

15 MS. MILLER: Okay, so when we're focusing
16 on this 45 day time limit which is the threshold
17 issue, okay, here. Can you tell me -- I was
18 under the impression that what you're saying is
19 you, well in advance of the 45 days -- you were
20 confused about the regulations and contacted the
21 agency and somebody told you just wait until the
22 fact finding hearing. Is that your testimony?

1 MR. ELIACIN: Correct.

2 MS. MILLER: Okay, so can you say who
3 that was?

4 MR. ELIACIN: The name was --

5 MS. MILLER: It's all right if you can't
6 find it. Is it somebody at the desk?

7 MS. FISHER: There was one at the desk
8 and there was a gentleman who came out from the
9 back and he talked to us about it for a little
10 bit.

11 MS. MILLER: You didn't talk to an
12 investigator or --

13 MS. FISHER: We did e-mail with Mr.
14 Puente --

15 MR. ELIACIN: Puente, yeah we e-mailed --

16 MS. FISHER: -- right around January,
17 right before we did ours and he warned us of the
18 changes and we did discuss that we just -- we
19 just thought we were more ahead of the ball and
20 we're obviously not. We thought what we -- this
21 information provided was what you were looking
22 for. We obviously --

1 MS. MILLER: So why did you think that
2 this information in this two page sheet that you
3 passed out --

4 MS. FISHER: Yeah --

5 MS. MILLER: -- was what we were looking
6 for with respect to litter plans?

7 MS. FISHER: Just in --

8 MS. MILLER: In general?

9 MS. FISHER: In general of what we
10 talked about -- I thought security was a big part
11 of like we reached out and contacted the
12 [inaudible audio 1 - 49:34] -- we've done that.
13 I mean, as you can see from our first application
14 in January, we really tried to get way ahead of
15 it, we just really got lost in our steps on the
16 way to get to what the board was wanting from us,
17 and just you know -- we just didn't --

18 MS. MILLER: When did you become aware of
19 the regulations?

20 MS. FISHER: He e-mailed us and called us
21 and was like, "Hi, I see that you're doing a bar
22 crawl, you are not -- you didn't do the proper

1 application, we really -- oh shoot, we actually
2 didn't really know, our bar crawl kind of started
3 with just a bunch of our friends hanging out and
4 then it kinda turned into this thing and then he
5 was kind of like, "Hey, you guys need to do this,
6 so we started talking to him. We talked to MPD.
7 And then he was like, "Hey, you guys need to go
8 to this website and use it to check these
9 things."

10 So then, after our January bar crawl we
11 came in and sat down and talked with the front
12 office here and they, you know, we filled out the
13 application, we brought it in and then there were
14 just pieces like, "okay, well right now, since
15 all the rules are changing, we don't know
16 anything, why don't you come back next week?" We
17 came back the following week. They just
18 basically kept trying to forward us just to wait
19 until our fact finding, and I kept being like,
20 "but you know that's not within the 45 days" and
21 they're just like, "well, this is your scheduled
22 time." It was like, "you're good, just leave it

1 -- stop coming in my office --" in a pleasant
2 way, you know.

3 MS. MILLER: At the front desk?

4 MS. FISHER: Yeah, you know because we asked, we
5 came in like four different times we asked about
6 it? Since after the application went through.
7 So, we just -- we thought we were -- we just
8 misunderstood exactly what we were needed to do
9 by y'all.

10 MS. MILLER: Okay, you -- you according
11 to your testimony you were led to believe that
12 you'd be able to have all your questions answered
13 at this fact finding and then get it together,
14 regardless of the 45 days.

15 MS. FISHER: I thought because the
16 application title was in in January I thought
17 that even though it wasn't correct and, like --
18 it was the one we found on line, we filled it
19 out, and then that's what we turned in. And then
20 from that point on it was -- "you'll have a
21 hearing."

22 MS. MILLER: Okay, let me ask you one

1 more question.

2 MS. FISHER: Yes.

3 MS. MILLER: I guess your 38 days. How
4 difficult is it to move the pub crawl days? So
5 that, you know, if you moved it a few weeks later
6 you're in the 45 days.

7 MS. FISHER: It wouldn't be terribly,
8 terribly difficult, the one thing is that our
9 thing was we always did want an April one and an
10 August one. Don't worry, the one in August we'll
11 be putting in an application right away. We just
12 always did want April and August. We definitely,
13 I feel, we can push back if that gives us more
14 time to get us -- ourselves together. It just is
15 hard because we do other events throughout so we
16 don't want it to get too close to other events or
17 coincide with other weekends that have big
18 parties but --

19 MR. ELIACIN: Would we be possibly able
20 to keep it in April if we just pushed it up maybe
21 a week or two? Just to try to --

22 MS. FISHER: -- basically.

1 CHAIRPERSON ANDERSON: You have a 45 day
2 timeline. You can do whatever you need to do.
3 You apply, and as long as you provide us
4 information at least 45 days before the event,
5 then there's no issue.

6 MS. FISHER: Will there be a fact finding
7 hearing after we -- so we need to get it in maybe
8 like 60 days so then the fact finding -- it's 45
9 days --

10 MR. ELIACIN: I mean if we it in like
11 today --

12 CHAIRPERSON ANDERSON: I'm not sure, how
13 soon after an application do we have a fact
14 finding hearing? Within two to three weeks after
15 you put in an application you normally get a
16 hearing, so it's -- it's -- I think maybe we
17 should -- you have the emergency rules, you also
18 have and, you know, I'm not -- I'm looking at the
19 application that you signed, okay? When this
20 application was signed -- was filled -- even in
21 the bare bone application it asks for -- it asks
22 for a couple of basic things and you don't have

1 them. But even when -- I'm not sure when this --
2 when this application was filled on January 29th,
3 on January 29th, it asks for some basic things.
4 It says in the application that you signed for
5 you are certify that I read and understood the
6 emergency regulations, it says that you need a
7 litter plan and it says, file the litter removal
8 plan with the Department of Public Works at least
9 45 days prior to the event.

10 So, this application in January said --
11 you said that you were aware that you were
12 supposed to file the litter plan with DPW. So,
13 it's -- I mean, even if there were confusion,
14 this bare bones, the application asks for certain
15 things, and you don't have that. It's not in the
16 application and you don't have that today.
17 So, as I said before, a fact finding information
18 and also informative, but based on this
19 application that you signed in January it asks
20 for some basic things that you should have and
21 you don't have that. Because even if you were
22 going to -- even if you were going to do the

1 cleanup yourself, the application said that you
2 need to file it with DPW. So if you had said to
3 me, "this is what I filed with DPW, we informed
4 DPW that we're going to clean up the area" --
5 give that to me. You don't have that.

6 So, I'm -- so, there's a lot of
7 confusion. I'll just say there's a lot of
8 confusion it's new regulations, however in
9 January the document, the application that you
10 filed, made certain -- asked for certain
11 clarifications that you certify that you have
12 read that you should be aware of it, so it's
13 unexcusable (sic) that we're here at the 40th
14 hour and you're saying that you're not aware,
15 because you certified that -- in January -- that
16 you are aware of the new pub crawl regulations
17 and you were aware of what was required. And
18 that's what -- I'm just going by the bare bones
19 of your application, and so, I -- I -- I try to
20 be very sympathetic to folks when they're
21 applied, but at this juncture I believe that the
22 board -- I'm asking -- I'm making a motion that

1 we deny the application for failure to comply
2 with section 500.1 of chapter 13 of the regs and
3 also in particular 7.15 of the emergency
4 regulations. Is there a second?

5 MR. SHORT: Second.

6 CHAIRPERSON ANDERSON: Mr. Short has
7 seconded the motion. Is there discussion?

8 MS. MILLER: Yes.

9 CHAIRPERSON ANDERSON: Yes, yes go ahead,
10 Ms. Miller.

11 MS. MILLER: Okay, I mean, I'm going to
12 vote to deny as well, not just because of the 45
13 days but also because this two-page outline or
14 whatever doesn't adequately address, I don't
15 think, the pub crawl application in general. But
16 I am sympathetic to the applicants in that I
17 think they are seeking some guidance as to how to
18 comply with the application and I would hope that
19 we would be able to provide that to them so that
20 when they come back another time, there won't be
21 much to do because they'll be totally in
22 compliance.

1 CHAIRPERSON ANDERSON: Mr. Alberti.

2 MR. ALBERTI: So, Chairman Anderson -- I
3 don't know if you want me to do it now, I'd like
4 to give them some thoughts about what I think
5 should be in their plans.

6 CHAIRPERSON ANDERSON: You can go ahead.

7 MS. MILLER: Please.

8 MR. ALBERTI: Okay, so, with respect to
9 your security plan, I mean there's no detail here
10 and so what you really kind of need to tell us is
11 like, how many volunteers? How are they going to
12 be stationed? Who's going to be contacted? Are
13 the bars going to be contacted? Who in the bars
14 is going to be contacting you if there's
15 problems? All right. What's the communication?
16 What instructions are being given to the bars in
17 terms of they see trouble brewing or they've got
18 somebody acting belligerently or -- or falling
19 down drunk. Who do they inform in your
20 organization and how is that done? All right?
21 You kind of have to spell that out. I mean, and
22 all of that can be done in a half a page.

1 I mean I've seen lots of applications but you're
2 gonna have to give us some detail about -- who's
3 -- how many people are going to be -- how many
4 people are going to be stationed at the check-in
5 place, all right? And how many volunteers are
6 there? Are there going to be any security guards
7 staffed, that you hire at the check-in. Those
8 kinds of things, all right? And maybe we can
9 even, if you want you can talk to our staff here,
10 the general counsel, and get examples from other
11 pub crawl applications that we've approved in the
12 past.

13 In terms of your litter plan, read this,
14 the pub crawl litter plan letter that we sent out
15 we did very carefully. We want to know exactly
16 which blocks you're going to cover. Are you
17 going to get both sides of the streets? All
18 right? What areas of those blocks are you going
19 to clean up? You know, and you can read in this
20 plan what we're expecting you to tell us what
21 areas of those blocks you have -- what do you
22 mean when you say you're going to clean up trash,

1 what's that mean? You know -- what are you going
2 to do?

3 What sort of stuff are you going to be
4 picking up? When will you do it? And how is
5 that gonna get done? Is it going to be done by
6 volunteers? Well, if that's going to happen then
7 you really need some specifics. Or if you're
8 going to contract with somebody, we want some of
9 the details of that contract, and we had a
10 contract that was pretty good a few weeks ago
11 that it's laid out -- they described exactly what
12 trash they were going to get. They said exactly
13 what areas of the sidewalks. They said exactly
14 what areas, what blocks, and whether they were
15 going to get both sides of the block.

16 It was all laid out in that contract and
17 that's the level of detail that we're looking
18 for. It's really not that onerous. If you think
19 about it, it's really not that onerous and this
20 letter gives you great -- it's a great guideline
21 for that. So, just want to let you know what
22 we're expecting in the future.

1 MS. FISHER: Thank you.

2 MR. ELIACIN: Thank you.

3 CHAIRPERSON ANDERSON: Yes, Mr.
4 Silverstein.

5 MR. SILVERSTEIN: I would, looking at the
6 applicants' record, I would certainly be
7 predisposed to approving anything based on
8 your record if you were to work within all
9 these things. The critical thing for this
10 board is that we treat everyone equally, and
11 there are so many people asking for so many
12 pub crawls, that we can't get ourselves into
13 carving out special exceptions, because we
14 can get ourselves in trouble and it's not
15 something that would be fair to anyone. This
16 isn't just a problem with us. I was up in
17 New Jersey this past weekend. There was a
18 pub crawl in Hoboken that turned into
19 somewhat of a riot, 35 people were
20 hospitalized including two police, and it was
21 after Nancy Reagan's death, it was the lead
22 story on all the local radio and television.

1 So, these are the -- and we had our problems
2 here in -- at Halloween. So it's not that we
3 are in any way against you. You're a good
4 applicant. Speaking only for myself, I mean.
5 But we have to have a clear path forward for
6 everyone and it has to be the same path. If
7 you can amend this, push it back and get it
8 within, I'd sure be -- you know --
9 predisposed to take a good look at it. It's
10 nothing -- absolutely nothing -- personal
11 here.

12 CHAIRPERSON ANDERSON: All right, the
13 motion is that based on failure to comply with
14 the regulations, which was seconded. All those
15 in favor, say aye. [Chorus of Ayes.]

16 Those opposed? The matter passes -zero-
17 zero. Just for your regulation, for your
18 information, a pub crawl of less than 200 does
19 not require approval. I mean, if you want to
20 have a pub crawl for less than 200 people, it
21 doesn't require approval. But what I'd also
22 strongly suggest to you, if you're having a pub

1 crawl in August, and you already decided on the
2 date, then it behooves you to send your
3 application now to the board and so if you come
4 to us and if we don't like it, you'll still have
5 an opportunity to make all the suggestions that
6 we're making because you're still outside of the
7 45-day timeline.

8 If you wait -- in this particular case
9 I'm not sure, if you did January 29th, then why
10 now we're having the hearing in March, but in the
11 future, I mean, two to three weeks after your
12 application we'd have a pub crawl, but I'm just
13 asking all the promoters, you need to apply to us
14 as soon as possible, don't wait until the
15 deadline, until a couple of days before the
16 deadline, to apply for it if you know when you're
17 having your events, okay? All right. Thank you.
18 And I know, Mr. Puente, you had plenty of things
19 to say, but your presence speaks for itself,
20 thank you. Okay. All right, thank you.

21 MS. MILLER: Mr. Chairman?

22 CHAIRPERSON ANDERSON: Yes ma'am.

1 MS. MILLER: And investigator Puente,
2 would it also be correct to say that they can
3 contact you with questions about their?

4 MR. PUENTE: Yeah, I contacted them in
5 January when I saw their Martin Luther King one
6 to advise them of the pub crawl laws and
7 regulations, and I told them when they come in at
8 the front desk nobody seemed to be able to help
9 them with the questions they've had.

10 MS. MILLER: Okay, Ms. Jenkins also I'm
11 sure would help. We have model applications,
12 it's kind of like -- it's not that -- it
13 shouldn't be that overwhelming. You just need to
14 get the right models and information and pay
15 attention to the deadlines though. If other
16 people are saying "don't worry about it" I don't
17 know, you probably should still worry about it.

18 MS. FISHER: Yeah.

19 MS. MILLER: We're fairly strict with
20 deadlines, yeah.

21 MS. FISHER: We hear you.

22 MS. MILLER: Okay, so good luck. We look

1 forward to seeing you show up next time.

2 MS. FISHER: Thank you all very much.

3 MS. MILLER: Thank you.

4 ((Whereupon, the above-entitled matter was

5 concluded.)

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